

Sample Resolution Language

RELATING TO REPRODUCTIVE HEALTH CARE; DECLARING MAYOR AND COUNCIL'S OPPOSITION TO THE DRAFT OPINION IN *DOBBS V. JACKSON WOMEN'S HEALTH ORGANIZATION*; DENOUNCING WIS. STAT. § 940.04, ENACTED IN 1849, AND OTHER PROVISIONS OF WISCONSIN LAW CRIMINALIZING ABORTION; SUPPORTING THE CONSTITUTIONAL RIGHTS OF PREGNANT PERSONS INCLUDING THEIR ACCESS TO REPRODUCTIVE HEALTH CARE AND ABORTIONS; SUPPORTING AND AUTHORIZING REVISIONS TO THE MADISON POLICE DEPARTMENT'S GENERAL ORDERS; AND DECLARING AN EMERGENCY.

WHEREAS, access to health care promotes the general welfare of Madison residents; and

WHEREAS, access to reproductive health care is critical to women's physical, psychological, and socioeconomic well-being; and

WHEREAS, abortion is a safe medical intervention that roughly one in four women have had in their lifetime;¹ and

WHEREAS, the right to decide to have an abortion before viability has been United States Supreme Court precedent for nearly 50 years; and

WHEREAS, the leaked draft majority opinion in *Dobbs v. Jackson Women's Health Organization* would overturn the constitutional right to abortion as recognized in *Roe v. Wade*, 410 U.S. 113 (1973), and reaffirmed in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992); and

WHEREAS, if the United States Supreme Court maintains its draft decision, Wis. Stat. § 940.04 and other laws that currently are unenforceable because of *Roe v. Wade* and *Planned*

¹ *Dobbs v. Jackson Women's Health Organization*. Brief of amici curiae Am. Coll. of Obstetricians and Gynecologists, Am. Med. Ass'n., *et al.*, <https://reproductiverights.org/wp-content/uploads/2021/09/Major-Medical-Groups-Amicus-Brief.pdf#page=23>.

Parenthood v. Casey will be allowed to go into effect, prompting the Center for Reproductive Rights to designate Wisconsin “hostile” to abortion care;² and

WHEREAS, the American College of Obstetricians and Gynecologists and other prominent medical organizations have determined that abortion bans will harm, rather than improve, patient health;³ and

WHEREAS, abortion bans disproportionately target minority and lower-income patients, with up to 75% of those seeking abortion care living at or below 200% of the federal poverty level, and the majority identifying as Black, Hispanic, Asian, or Pacific Islander;⁴ and

WHEREAS, forcing patients to continue pregnancy subjects them to complications and a risk of death that is 14-times higher than abortion;⁵ and

WHEREAS, research shows that women denied a wanted abortion are less financially secure in subsequent years than those who received an abortion and being denied an abortion increases the chances that a woman’s existing children live in poverty.⁶

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF MADISON, WISCONSIN AS FOLLOWS:

SECTION 1. The Mayor and Council support the rights of pregnant persons in the City to obtain access to the full spectrum of reproductive healthcare, including abortion care.

SECTION 2. The Mayor and Council oppose the draft majority opinion in *Dobbs v. Jackson Women’s Health Organization*.

² <https://reproductiverights.org/maps/what-if-roe-fell/?state=WI>.

³ *Dobbs v. Jackson Women’s Health Organization*. Brief of amici curiae American College of Obstetricians and Gynecologists, American Medical Association, *et al.*, https://www.supremecourt.gov/DocketPDF/19/19-1392/193074/20210920174518042_19-1392%20bsacACOGetal.pdf#page=29

⁴ *Id.* at https://www.supremecourt.gov/DocketPDF/19/19-1392/193074/20210920174518042_19-1392%20bsacACOGetal.pdf#page=39.

⁵ *Id.* at https://www.supremecourt.gov/DocketPDF/19/19-1392/193074/20210920174518042_19-1392%20bsacACOGetal.pdf#page=40.

⁶ *Dobbs v. Jackson Women’s Health Organization*. Brief of amici curiae Social Science Experts, https://www.supremecourt.gov/DocketPDF/19/19-1392/192992/20210920145519814_19-1392_Amicus%20Brief.pdf#page=51.

SECTION 3. The Mayor and Council denounce and oppose the implementation of Wis. Stat. § 940.04 and other Wisconsin laws that prohibit and criminalize abortions, including Wis. Stat. § 940.15, which prohibits non-physicians from performing abortions, even though other medical professionals, such as nurse practitioners, certified nurse midwives, and physician assistants can and do provide safe abortions in other states.⁷

SECTION 4. The Mayor and Council support Madison Police Chief Shon F. Barnes in his establishing law enforcement priorities that consider the need to protect the physical, psychological, and socioeconomic well-being of pregnant people and their care providers.

SECTION 5. If the United States Supreme Court overturns *Roe* and/or *Casey*, and/or if the Court upholds Mississippi's 15-week ban, the Mayor and Council support and authorize the Chief of Police to revise the Madison Police Department's (MPD) General Orders to reflect that no physical arrest will be made by an officer for an alleged violation of Wis. Stat. § 940.04 and any charge arising out of those laws can proceed only by long form in lieu of arrest, where the conduct in question occurs at a medical facility.

SECTION 6. If the United States Supreme Court overturns *Roe* and/or *Casey*, or in the alternative, the United States Supreme Court does not formally overturn *Roe* and/or *Casey* but nevertheless upholds Mississippi's 15-week ban, the Mayor and Council support and authorize the Chief of Police to revise MPD's General Orders to reflect that if or when MPD receives a complaint asserting solely a violation of Wis. Stat. § 940.04, MPD will refer the matter to the Wisconsin Department of Health Services for investigation and will not respond to the premises if that premises is a licensed medical facility.

SECTION 7. The City Clerk is instructed to provide copies of this Resolution to the Madison Police Department and the Dane County Attorney's Office

7

<https://pbswisconsin.org/news-item/wisconsin-has-a-tangled-series-of-abortion-laws-dating-back-to-1849/>

SECTION 8. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this Resolution.

SECTION 9. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Madison that this Resolution become effective immediately, an emergency hereby is declared to exist, and this Resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Madison, Wisconsin, DATE, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER